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### Via Electronic Mail

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RE: Public Records Request – Triumph Foods, LLC

In accordance with the Federal Freedom of Information Act (“FOIA”), 5 U.S.C. § 552, *et seq.*, The Humane Society of the United States (“HSUS”) requests all public records<sup>1</sup> created by, received by, under the authority of, or coming into the custody, control, or possession of the U.S. Environmental Protection Agency that relate to the Triumph Foods, LLC slaughter facility that is located at 5302 Stockyard Expressway, Saint Joseph, Missouri 64504. FRS ID numbers of the facility include, but may not be limited to, 110023010007 and 11038110255.

Relevant records may include, but should not be limited to,

- A. All application, draft or final documents related to any permit;
- B. All inspection records;
- C. All enforcement and compliance records, including, but not limited to, records related to all formal or informal enforcement actions and any relevant Notices of Violation, orders, penalties, and all other supporting documentation;
- D. All records submitted in relation to the above-listed operation, including by Triumph Foods, LLC, to the U.S. Environmental Protection Agency;
- E. All records related to any environmental testing or monitoring at the above-listed operation; and
- F. All other records in the possession or control of the U.S. Environmental Protection Agency related to the above-listed operation.

<sup>1</sup> The term “records” is used herein to mean anything denoted by the use of that word or its singular form in the text of FOIA. In particular, the term includes, but is not limited to, all reports; studies; presentations; graphic materials; videos; writings (including, but not limited to, handwritten, typed, electronic or otherwise produced, reproduced or stored memoranda, meeting notes and minutes, drafts and working papers, contracts, agreements, and technical proposals); *communications (including recorded messages, electronic mails, written complaints or other communications, and notes and summaries of conversations or interviews)*; and any other written, electronic or recorded records in the Agency’s possession.

If you believe any portion or portions of the requested records to be exempt from required disclosure under FOIA, please exercise your discretion in redacting such portion of the materials and disclosing all other relevant, non-exempt materials. For exempted materials, please provide a full or partial denial letter and sufficient information to appeal the denial. At a minimum, please include in this letter basic factual information regarding the denial, including the originator, date, length, and addresses of the withheld items; all explanations and justifications for the denial, including any direct statutory or regulatory references; and how each exemption applies to the withheld materials. Finally, if any information requested herein was, but is no longer, in EPA's possession or subject to its control, state whether it is (a) missing or lost, (b) has been destroyed, (c) has been transferred voluntarily or involuntarily to others, or (d) otherwise disposed of, and, in each instance, explain the circumstances surrounding and authorization for such disposition and the date or approximate date of disposal.

#### *Request for a Fee Waiver*

Pursuant to federal law, HSUS requests that the U.S. Environmental Protection Agency waive the fee that it would otherwise charge for the search and production of the records requested above. FOIA dictates that requested records be provided without charge "if disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the operations and activities of government and is not in the commercial interest of the requestor." 5 U.S.C. § 552(a)(4)(A)(iii); *see also*, 40 C.F.R. § 2.107(l). The requested disclosure would meet both of those requirements.

First, the disclosure requested here would be "likely to contribute significantly to public understanding of the operations or activities of the government." 5 U.S.C. § 552(a)(4)(A)(iii). Specifically, the requested disclosure would satisfy the four elements of this requirement, as identified at 40 C.F.R. § 2.107(l)(2).

1. The subject matter of the requested records specifically concerns identifiable activities of the government, namely the oversight of a slaughter operation regulated pursuant to a number of environmental laws, including the Clean Water Act, the Clean Air Act, RCRA, CERCLA, and EPCRA. *See* 40 C.F.R. § 2.107(l)(2)(i).
2. Release of the requested materials to the HSUS will meaningfully inform the requestor on the history of regulatory oversight and compliance of the subject operations with the Clean Water Act and any other relevant environmental statute. *See* 40 C.F.R. § 2.107(l)(2)(ii).
3. The HSUS is a nonprofit organization with 11 million members. Due to its size, mission and networking capabilities, the HSUS has the ability and intention to contribute to the "public understanding" of the regulation of these operations by the U.S. Environmental Protection Agency. Specifically, the HSUS has an ongoing farm animal welfare campaign that is strongly committed to educating the public regarding the impacts of pollution from CAFO facilities to the environment, animals and local communities. Through this campaign, the HSUS routinely distributes, at no charge to the public, data, news releases, reports, and copies of original documents. The HSUS also has a current and frequently updated website that can be accessed through the internet by any member of the public, and that is used to share information with the general public free of charge.<sup>2</sup> Further, due to the expertise of its staff as it relates to the environmental regulation of CAFOs, the HSUS has the ability (and the intention) to convey the requested information to the public effectively. As a

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<sup>2</sup> *See* HSUS Homepage, *available at* <http://www.humanesociety.org>.

result, disclosure of the requested information undeniably will contribute to the “public understanding” of the subject matter detailed in this FOIA request. *See* 40 C.F.R. § 2.107(l)(2)(iii).

4. Finally, as detailed above, the disclosure will contribute “significantly” to the public understanding of government operations and activities by providing the public with an understanding regarding the extent to which this slaughter operation is regulated by the U.S. Environmental Protection Agency, information that is not already in the public domain. *See* 40 C.F.R. § 2.107(l)(2)(iv).

In sum, the HSUS is well positioned to ensure that the disclosed information will contribute significantly to the public’s understanding regarding the oversight of animal slaughtering facilities under environmental laws, the potential effects of animal slaughtering facilities on the environment, and the specific terms of regulation, oversight, and operational compliance as they relate to Triumph Foods slaughter facility in Saint Joseph, Missouri.

Second, disclosure of the requested information would also satisfy the second prerequisite of a fee waiver request in that the HSUS does not have a “commercial interest that would be furthered by the requested disclosure.” 40 C.F.R. § 2.107(l)(1). The HSUS is a nonprofit organization with the mission to create a humane and sustainable world for all animals, including people, through education and advocacy. As a 501(c)(3) non-profit organization, the HSUS does not have a commercial, trade, or profit interest in the information requested.

Therefore, the HSUS requests that the U.S. Environmental Protection Agency apply its discretion in waiving all or some of the fees accrued as a result of this records request. If the U.S. Environmental Protection Agency decides not to waive fees expected to accrue as a result of this request or if it decides to waive only a portion of related fees, please provide me with a written accounting of the approximate costs to HSUS for responding to this public records request.

Thank you for your time and attention to this matter. Please do not hesitate to contact me at (202) 676-2354 or [hconnor@humanesociety.org](mailto:hconnor@humanesociety.org) if you need any further information or require any clarification regarding this request.

Sincerely,

/s/ Hannah Connor

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